



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY

WD WQE 04-02

April 6, 2004

John and Kimberley Mac Pherson
144 Shaker Street
P.O. Box 68
North Sutton, New Hampshire 03260

RE: Violations of RSA 485-A:17 and RSA 482-A

Dear Mr. & Mrs. Mac Pherson:

On April 1, 2004, personnel from the NH Department of Environmental Services ("DES") observed sediment laden runoff entering an unnamed stream adjacent to your property located on Shaker Street, North Sutton, more particularly identified on Town of Sutton Tax Map 07 as Lot 634, 316 (the "Property").

Additionally, the following deficiencies were noted:

- a. Over 5 acres of forested land had been cleared and stumped;
- b. The disturbed area, with an approximate 3:1 slope, was not stabilized and erosion of unstable soils had taken place;
- c. Minimal/inadequate erosion control measures had been installed on the Property.

A review of DES records revealed that neither an "Alteration of Terrain" (site specific) permit application nor a standard "Dredge and Fill" permit application had been submitted for the activities described above on the Property.

In response, you are requested to take the following action.

1. Within 5 days of the date of this Letter of Deficiency ("LOD"), properly install and maintain erosion and sediment control measures on the Property.
2. Within 10 days of the date of this LOD, prepare a temporary stabilization plan ("Plan") for the Property, and submit said Plan to DES for approval. The Plan shall include a schedule for implementing the measures described in the Plan.
3. Implement the approved Plan on the Property according to the schedule detailed in the Plan.

4. Within 30 days of the date of this LOD, submit an application for a Site Specific permit to DES for the Property. The application shall be prepared by an engineer licensed in the State of New Hampshire, and in accordance with Env-Ws 415.05.
5. Within 30 days of the date of this LOD, submit an application for a Wetlands Dredge and Fill permit, if required.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct an inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Should you have any questions regarding this letter, please contact me at (603) 271-3380.

Sincerely,

 **COPY**

Ana Ford,
Compliance Specialist
Land Resources Management Program

cc: Mark Harbaugh, DES Legal Unit
James Martin, DES Public Information Officer
Town of Sutton Conservation Commission
Town of Sutton Board of Selectmen